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OFFICE OF PETITIONS

~~In re Application of
Prough et al.
Filed: July 15, 2002
Application No. 10/195,230
Attorney Docket No. 2065.005A
For: SYSTEM AND METHOD FOR
IMPROVING THE MOVEMENT AND
DISCHARGE OF MATERIAL FROM
VESSELS~~

DECISION GRANTING PETITION

In re Application of
Prough et al.
Filed: July 16, 2002
Application No. 10/042,718
Attorney Docket No. 2065.005A
For: SYSTEM AND METHOD FOR
IMPROVING THE MOVEMENT AND
DISCHARGE OF MATERIAL FROM
VESSELS

This is a decision on the petition filed November 19, 2002, requesting that the specification including claims and drawings submitted to Licensing and Review (L & R) on July 16, 2002, and granted foreign filing license No. 599,211 on July 17, 2002, be assigned a new application number and accorded a filing date of July 16, 2002. This petition is properly being treated as a petition under 37 CFR 1.182.

On September 24, 2002, petitioners submitted a petition under 37 CFR 1.53(e), alleging that application No. 10/195,230 contained the wrong specification and requesting that the "correct" specification be entered and accorded the filing date of July 15, 2002.

On November 1, 2002, in response to a telephone conversation with Terry J. Dey of the Office of Patent Legal Administration, petitioners submitted a letter confirming that the subject application was submitted to Licensing and Review on July 16, 2002, and was granted foreign filing license No. 599,211.

On November 15, 2002, in a telephone conversation with Ms. Dey and Fred A. Silverberg of the Office of Patent Legal Administration, petitioners were informed that the Office would be willing to consider a new petition requesting that the documents submitted to Licensing and Review on July 16, 2002, be treated as new application papers and accorded a filing date of July 16, 2002.

On November 19, 2002, the present petition was filed. Petitioners request that the specification including claims and drawings submitted to Licensing and Review on July 16, 2002, be assigned a new application number and accorded a filing date of July 16, 2002.

A review of the papers submitted to Licensing and Review on July 16, 2002, reveals that a thirty-three (33) page specification including claims, titled "System and Method for Improving the Movement and Discharge of Material From Vessels," three sheets of drawings, and a copy of a declaration were received.

Since the papers submitted to the Office on July 16, 2002 are complete for filing date purposes, on petition, these papers will be treated as a new application and accorded a filing date of July 16, 2002.

Accordingly, the petition is granted.

The application papers have been assigned application No. 10/042,718 and accorded a filing date of July 16, 2002. All future correspondence concerning this application should be directed to this application number.

Since the original application papers submitted to Licensing and Review have been placed in application No. 10/042,718, copies of these application papers will be retained in Licensing and Review with the Petition for Expedited Foreign Filing License.

Filing fees in the amount of \$799.00 will be charged to deposit account No. 08-1935. The \$130.00 petition fee has been charged to counsel's deposit account.

After mailing of this decision, application No. 10/195,230 will be retained in the Office of Patent Legal Administration to await receipt of a letter withdrawing the petition filed September 24,

2002 in application No. 10/195,230, as indicated in the November 19, 2002 petition. Application No. 10/042,718 will be forwarded to the Office of Initial Patent Examination (OIPE) for processing with a filing date of July 16, 2002, using the application papers submitted on that date.

Telephone inquiries concerning this communication should be directed to Terry J. Dey at (703) 308-1201.



Eugenia Jones
Senior Legal Advisor
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Office of Deputy Commissioner
for Patent Examination Policy